

REMARKS

In response to the Office Action mailed September 6, 2006, the Examiner's claim rejections have been considered. Applicants have fully considered the references (Goertzel *et al.* and Alcorn *et al.*) as potentially teaching all or part of the claimed invention. Applicants have also considered the context of the passage taught by the references as cited by the Examiner. As such, the Applicants' response is not directed to a specific portion of the cited reference, but rather to the reference as a whole. Applicants respectfully traverse all rejections regarding all pending claims and earnestly solicit allowance of these claims.

1. Claim Rejection 35 U.S.C. § 103(a) – Claims 1-21, 23, 24, 26-68, and 70-76

The Examiner has rejected claims 1 21, 23, 24, 26-68 and 70-76 under 35 U.S.C. § 103(a) as being unpatentable over Goertzel *et al.* (US 6,308,273) in view of Alcorn *et al.* (US 6,104,815). Applicants respectfully traverse this rejection. For brevity, only the bases for the rejection of the independent claims are traversed in detail on the understanding that the dependent claims are also patentably distinct over the prior art, as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate, and independent bases for patentability.

Applicants respectfully submit that Goertzel and Alcorn, alone or in combination, do not teach, suggest, or disclose a system for enabling remote access to an application server that includes "a first number authentication system that determines a physical location of an originating number to prevent a user from connecting to the access server from a physical location other than the user location, wherein the first number authenticating system is a non-global positioning satellite system." More specifically, the first number authentication system prevents a person from attempting to gamble in an unauthorized jurisdiction by calling or forwarding calls to a venue that does allow gambling by falsely appearing to originate the call from such venue. That is, the authentication system determines whether the actual number dialed is the first number (i.e., the originating phone number). For example, the number authentication system prevents a user, located in California, from originating a call in California

to a phone number in Nevada, and then using the Nevada phone number to place a wager at a Nevada casino.

As noted by the Examiner, Goertzel does not teach or disclose a number authentication mechanism providing anti-circumvention protection. Additionally, Applicants respectfully submit that the Alcorn reference does not make up for this deficiency because Alcorn does not teach, suggest or disclose the first number authenticating system of the claimed invention. The Alcorn reference merely teaches and discloses a system for using a global positioning satellite (GPS) system to provide authenticated, secure, on-line communication between remote gaming locations.

The Alcorn system is an expensive system to implement and operate because the Alcorn system requires access to GPS satellites. Furthermore, GPS receivers, antennas, and other software and equipment are required at the remote location. In sharp contrast, the claimed invention is directed to a simple and relatively inexpensive solution to ensure that an authorized user is located at a physical location (within a legal jurisdiction) that allows remote gambling by using a first number authenticator, such as a Remote Access Dial-In User Service server, Automatic Number Identification, or Dialed Number Identification Services. The claimed invention also includes a challenge and response system based upon location so that a geographical identifier authenticates the user location.

Because the Goertzel and Alcorn references fail to teach or suggest all of the claimed elements, Applicants respectfully request the rejection be withdrawn. Accordingly, Applicants respectfully submit that the 35 U.S.C. § 103(a) rejection of claims 1-21, 23, 24, 26-68, and 70-76 has been overcome.

2. Claims Rejections - 35 U.S.C. §103(a) – Claims 22, 25, and 69

The Examiner has rejected claims 22, 25, and 69 under 35 U.S.C. § 103(a) as being unpatentable over Goertzel *et al.* Applicants respectfully traverse this rejection. In light of the arguments submitted in Section 1 of this response, Applicants submit that the dependent claims 22, 25, and 69 are not obvious in view of Goertzel and Alcorn, because these references, alone or in combination, fail to teach, suggest, or disclose “a number authentication system that determines the actual location of the user and provides anti-circumvention protection to prevent

activation of a dialer from a physical location other than the user's location, wherein the first number authenticating system is a non-global positioning satellite system." (Emphasis added).

Moreover, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate, and independent bases for patentability.

Accordingly, the Applicants respectfully submit that the 35 U.S.C. § 103(a) rejection of claims 22, 25, and 69 as unpatentable over Goertzel and Alcorn has been overcome.

CONCLUSION


Applicants have made an earnest and *bona fide* effort to clarify the issues before the Examiner and to place this case in condition for allowance. In view of the foregoing discussions, it is clear that the differences between the claimed invention and the cited references are such that the claimed invention is patentably distinct over the cited references. Therefore, reconsideration and allowance of all of claims 1-2, 4-8, 10-21, 23, 24, 26-41, 43-49, 51-68 and 70-76 are believed to be in order, and an early Notice of Allowance to this effect is respectfully requested.

The Commissioner is hereby authorized to charge the fees indicated in the Fee Transmittal, any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17, or to credit any overpayments, to Deposit Account No. 194293, Deposit Account Name STEPTOE & JOHNSON LLP.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 734-3200. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,

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